

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 12-2004)

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

UCIVN-025US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

TBD

10/530603

INTERNATIONAL APPLICATION NO.
PCT/US2003/032654INTERNATIONAL FILING DATE
14 October 2003PRIORITY DATE CLAIMED
11 October 2002

TITLE OF INVENTION

**STAND-ALONE CIRCLE CIRCUIT WITH CO₂ ABSORPTION AND SENSITIVE SPIROMETRY FOR MEASUREMENT OF
PULMONARY UPTAKE**

APPLICANT(S) FOR DO/EO/US

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

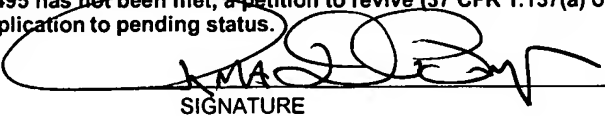
1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV330332852US
23. ☒ Other items or information:

Postcard

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | | | |
|--|--------------|--|--|--|------------|
| U.S. APPLICATION NO (if known, see 37 CFR 1.5) 10/530603 | | INTERNATIONAL APPLICATION NO. PCT/US2003/032654 | | ATTORNEY'S DOCKET NUMBER UCIVN-025US | |
| 24. The following fees are submitted: | | | | Applicant use | Office use |
| <input checked="" type="checkbox"/> a) Basic national fee \$300.00 | | | | \$ 300.00 | |
| <input type="checkbox"/> b) Examination fee \$200.00 | | | | \$ 0.00 | |
| <input type="checkbox"/> c) Search fee \$500.00 | | | | \$ 0.00 | |
| TOTAL OF ABOVE CALCULATIONS = \$1000.00 | | | | \$ 300.00 | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE | | |
| 17 - 100 = | -83 /50 = | 0 | x \$250.00 | \$ 0.00 | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | 22 - 20 = | 2 | x \$50.00 | \$ 100.00 | |
| Independent claims | 2 - 3 = | 0 | x \$200.00 | \$ 0.00 | |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00 | | | | \$ 0.00 | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ 400.00 | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$ 200.00 | |
| SUBTOTAL = | | | | \$ 200.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | \$ 0.00 | |
| TOTAL NATIONAL FEE = | | | | \$ 200.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + | | | | \$ 0.00 | |
| TOTAL FEES ENCLOSED = | | | | \$ 200.00 | |
| Amount to be refunded: | | | | \$ | |
| Amount to be charged: | | | | \$ | |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>\$200.00</u> to cover the above fees is enclosed. | | | | | |
| b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is | | | | | |
| c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0878</u> . A duplicate copy of this sheet is enclosed. | | | | | |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: | | | | | |
| Robert D. Buyan Stout, Uxa, Buyan & Mullins, LLP 4 Venture, Suite 300 Irvine, CA 92618 | | |  SIGNATURE Robert D. Buyan NAME 32, 460 REGISTRATION NUMBER | | |
| Customer No. 33197 | | | | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--------------------------------------|---|----------------------------|
| In re Application of: |) | |
| Peter H. Breen |) | Art Unit: To Be Determined |
| |) | |
| Serial No.: To Be Determined |) | Examiner: To Be Determined |
| |) | |
| Corresponding to: |) | |
| PCT/US2003/032654 |) | |
| |) | |
| Filed: April 7, 2005, Herewith |) | |
| |) | |
| For: Stand-Alone Circle Circuit with |) | |
| Co2 Absorption and Sensitive |) | |
| Spirometry for Measurement of |) | |
| <u>Pulmonary Uptake</u> |) | |

CERTIFICATE OF MAILING

(United States National Stage Application Based on PCT/US2003/032654)

Express Mail Label No: EV330332852US

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

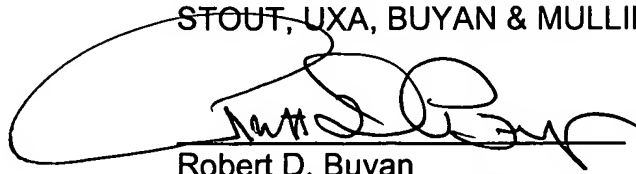
I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on April 7, 2005, addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371;
2. Copy of International Application as Filed/Published under the PCT, (10 pages of written specification, 6 pages of claims, 2 sheets of drawings (Figs. 1-2) and an abstract of 1 page);
3. Check No. 3736 in the amount of \$200.00 to cover national stage filing fees;
4. A return postcard.

Each of the 4 above-identified documents are enclosed herewith.

Respectfully submitted,

STOUT, LXA, BUYAN & MULLINS, LLP

A handwritten signature in black ink, appearing to read "Robert D. Buyan", is written over a horizontal line.

Robert D. Buyan
Registration No. 32, 460

Date: April 7, 2005

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